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NEWS RELEASE

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APPELLATE COURT DISMISSES APPEAL AGAINST CITY OF SAN DIEGO IN MOUNT SOLEDAD CROSS CASE

City no longer party to lawsuit against the Federal Government

San Diego, CA— The City of San Diego is no longer a named party in a lawsuit that seeks to declare unconstitutional the federal law that permitted the City's transfer of the Mt. Soledad Veterans War Memorial to the federal government. In a ruling released today, the United States Court of Appeals for the Ninth Circuit dismissed an appeal because attorneys for the Plaintiff did not file the appeal on time.

On November 6, 2007, federal United States District Court Judge Larry Burns agreed with the City Attorney's position that the City should be dismissed from the lawsuit because the federal government now owns the memorial property. Today's ruling by the Ninth Circuit affirming the dismissal of the City from the lawsuit upholds Judge Burns' ruling. The lawsuit will continue to proceed only against the federal government.

Steve Trunk and the late Philip Paulson sued the City and the federal government, after the federal government acquired the memorial property from the City via eminent domain on August 14, 2006.

In their lawsuit, *Steve Trunk, et al. v. City of San Diego, et al.*, Case No. 06cv1597, Trunk and Paulson had asked the federal court to order removal of the Mt. Soledad cross from the Mt. Soledad Veterans War Memorial. Trunk and Paulson also asked the federal court to declare the federal law that permitted the transfer of the property unconstitutional.

In addition, both men claimed that the display of the cross on public property violated their state and federal constitutional rights because they are atheists and the cross is a religious symbol.

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